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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,526	02/10/2004	Kiyoshi Nakajima	107355-00109	1099
7590	10/12/2006			EXAMINER ILAN, RUTH
ARENT FOX KINTNER PLOTKIN & KAHN, PLLC Suite 400 1050 Connecticut Avenue N.W. Washington, DC 20036-5339			ART UNIT 3616	PAPER NUMBER

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/774,526	NAKAJIMA, KIYOSHI
Examiner	Art Unit	
Ruth Ilan	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 July 2006.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
  - 4a) Of the above claim(s) 2-5 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 February 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, as amended recites in line 5 that the twist deformable torsion bar has a "connecting portion at each of said pair of arms". This is an inaccurate description of the invention, because as disclosed, the connecting portion is not "at" each of said pair of arms, and as such the scope is unclear. The connecting portions (14) disclosed are in the center portion of the bar.

### ***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Allison (US 3,990,725.) Allison teaches a supporting structure of a stabilizer including a twist deformable torsion bar (58) having a pair of arms (33,53) being connected to a suspension (16, see Figure 2.) also taught is a connecting portion (36) at each of the pair of arms. A suspension 916) is connected to the arm of the torsion bar. Also taught is a supporting device (37) that includes a ball joint (See Figure 3) and connects the vehicle body to the connecting portion of the torsion bar. It is the examiner's position

that the torsion bar is connected by 37 "to the vehicle body" because it connects the torsion bar to the damper (16, see Figure 2 and 3) and the damper is connected to the vehicle body (at 22, see Figure 2.)

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 IS rejected under 35 U.S.C. 103(a) as being unpatentable over Engel (US 5,387,004) in view of Rabe (US 2,082,509.) Engel teaches a torsion suspension of the type claimed, including a twist deformable torsion bar (42) that includes a pair of arms (41) connected to a suspension (2,3). Engel is silent regarding the connection between the torsion bar and the vehicle body, only showing it schematically (at 3) and as such fails to show a supporting device that includes a ball joint. Rabe teaches that it is known (Figure 2) to provide torsion bar supports that include ball joints (Figure 2) and further teaches that such joints are useful in embodiments that include transverse torsion bars (see page 2, lines 35-55) which is used to keep constraint moments to a minimum. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the torsion bar mounting of Engel to include ball joint mountings, in view of the teaching of Rabe, in order to keep constraint moments at a minimum

***Response to Arguments***

7. Applicant's arguments filed 7/27/06 have been fully considered but they are not persuasive.
8. First of all, as a matter of form, in section I of the remarks (page 5) in addressing the Objection to the Drawings, the Applicant indicates that a new figure has been submitted, and that claim 6 has been cancelled. The Examiner notes that no new figures were received. The objection to the drawings is no longer pending, because the Applicant has cancelled claim 6.
9. Regarding Allison the Applicant asserts "...Allison does not disclose or suggest a torsion bar and a suspension being directly connected and a supporting device and a ball joint disposed between the torsion bar and a vehicle body" (Examiner's italics). The Examiner respectfully notes that this language is not found in claim 1. Claim 1 does not require a suspension "directly connected". Additionally, there is no where in claim 1 which recites that the supporting device and ball joint are disposed "between" the torsion bar and a vehicle body. It is noted that the ball joint of Allison is between the torsion bar and the vehicle body. These features upon which applicant relies are not recited in the rejected claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
10. Regarding Applicant's arguments with respect to Engel in view of Rabe. The Applicant asserts that Rabe does not disclose or suggest a supporting device that connects the vehicle body to the connecting portion of a torsion bar and includes a ball

joint. The Examiner disagrees. As discussed above, Rabe teaches a torsion bar (8), a supporting device (24) that includes a ball joint (6, see Figure 2) and that connects the torsion bar to the vehicle body (7.) Engel, which is the base reference shows the same type of torsion bar disclosed by the Applicant, with the connection only shown schematically. The Applicant asserts that the Examiner did not establish a *prima facie* case of obviousness because of an insufficient showing of motivation. The Examiner respectfully disagrees. She did not “merely state that present invention is obvious”. The motivation is explicitly derived from the teaching of Rabe, which indicates that the ball joint connection is useful on transverse spring bars (page 2, line 40) and that the use is to keep constraint moments to a minimum (page 2, lines 50-52.) As such the motivation comes directly from the prior art.

### ***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

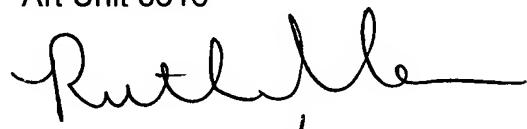
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 571-272-6673. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ruth Ilan  
Primary Examiner  
Art Unit 3616

RI  
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